

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JERRY JEROME GASKINS,

Plaintiff,

V.

ANDY HUGHES,

Defendant.

CASE NO. 1:09-cv-1058-TMH

## ORDER

The Magistrate Judge entered a Recommendation (Doc. #17) in this case to which no timely objection has been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #17) of the Magistrate Judge is ADOPTED. It is further

ORDERED that Defendant's Motion for Summary Judgment (Doc. #15) is GRANTED to the extent Defendant seeks dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Houston County Jail. It is further

ORDERED that this case is DISMISSED without prejudice pursuant to the provisions of 42 U.S.C. § 1997e(a) due to the Plaintiff's failure to exhaust administrative

remedies.

Done this 6<sup>th</sup> day of April, 2010.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE